GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – AHDD&F Department – Allegations of acquisition of disproportionate assets to his known sources of income against Dr. Metta Venkateswarlu, former Mandal Animal Husbandry Officer, Etcherla, Srikakulam District (now retired) - Prosecution – Convicted- Penalty of withholding of 100 % pension & Pensionary benefits and Gratuity in full permanently under Rule 9 of APRP Rules, 1980 - Imposed – Orders - Issued.

ANIMAL HUSBANDRY, DAIRY DEVELOPMENT & FISHERIES (DY.&VIG.) DEPARTMENT

G.O.Ms.No.14

Dated: 24.05.2022.
Read the following:-

1. From the DG, ACB Lr. Rc. No. 163/RCA VSK/2001-S12, Dt. 26.11.2001 & 15.04.2002.
2. From the DG, ACB, Lr. Rc. No. 163/RCA VSK/2001, Dt. 01.02.2006.
3. G.O Rt No. 442, AHDD&F(VS.I) Department, Dt. 31.10.2013.
4. G.O Ms No. 30, AHDD&F (Vig.) Department, Dt. 26.04.2006.
5. From the DG,ACB Lr. Rc. No. 163/RCA VSK/2001-S12, Dt. 09.10.2014 along with a copy of the Judgment of Spl. Judge for SPE & ACB Cases, Visakhapatnam in CC. No. 30/2006, Dt. 12.09.2014.
6. Interim orders Dt. 23.09.2014 of Hon'ble High Court of the State of Telangana and Andhra Pradesh in Criminal appeal MP No. 1435 of 2014 in Crl Appeal No. 958 of 2014 filed by Dr. Metta Venkateswarlu, former Mandal Animal Husbandry Officer, Etcherla, Srikakulam District.
7. From Dr. Metta Venkateswarlu, former MAHO, Etcherla Mandal, Srikakulam representation Dt. 03.11.2014.
8. Government Memo No. 2885/Dy.&Vig.(2)/2022, Dt. 17.07.2019, 26.09.2019, 28.11.2019, 17.06.2020, 26.10.2020, 16.03.2021 & 31.08.2021.
9. From Dr. Metta Venkateswarlu, former MAHO, Etcherla Mandal, Srikakulam (now retired) representation Dt. 20.09.2019.
10. G.O Rt No. 261, AHDD&F(Dy.&Vig.)Dept., Dt. 01.11.2019.
11. From the DG, ACB, AP., Vijayawada Lr Rc. No. 163/RCA-VSK/2001-S12, Dt. 03.03.2022.

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ORDER:-

Whereas it was brought to the notice of the Government that Dr. Metta Venkateswarlu, former Mandal Animal Husbandry Officer, Etcherla Mandal, Srikakulam District has acquisition of disproportionate assets to his known sources of income and registered a criminal case No. 19/RC-ACB/VZM/2001 U/s. 13 (2) r/w 13(1)(e) of P.C Act, 1988 on 29.10.2001 against the Accused Officer and after investigation, the Director General, Anti Corruption Bureau has submitted final report vide reference 2nd read above recommending to accord sanction of prosecution in the court of law besides departmental action against Dr. Metta Venkateswarlu, former MAHO, Etcherla Mandal, Srikakulam District.

2. And whereas the Government after examining the final report received from the DG, ACB, have accorded sanction for prosecution of Dr. Metta Venkateswarlu, former MAHO, Etcherla Mandal, Srikakulam under Sub-section (2) of Section 13 read with clause (e) of sub-section (1) of section 13 of the Prevention of Corruption Act, 1988 with regard to criminal case in acquisition of assets to his known sources of income vide reference 4th read above. The DG, ACB filed charge sheet against the AO in the Hon'ble Court of Spl. Judge for SPE & ACB cases, Visakhapatnam.

3. In the reference 5th read above, the DG, ACB while enclosing a judgement copy of the Spl. Judge for SPE & ACB Cases, Visakhapatnam in C.C No. 30/2006 Dt. 12.09.2014 convicting the AO Dr. Metta Venkateswarlu, former MAHO, Etcherla Mandal, Srikakulam and sentenced him to undergo rigorous imprisonment for three (3) years and to pay a fine of Rs. 30,000 (Rupees Thirty Thousand Only) in default to suffer simple imprisonment for six (6) months under each offence i.e., U/sec. 13 (1) (e) read with 13 (2) of Prevention of Corruption Act, 1988 and requested to take immediate action to dismiss the AO Dr. Metta Venkateswarlu, former MAHO, Etcherla Mandal, Srikakulam from the service on the ground of conduct which led to his conviction on a criminal charge under Rule 25 of APCS(CC&A) Rules, 1991 without any notice.

4. In the meantime, aggrieved by the orders of the ACB Court, Visakhapatnam the AO Dr. Metta Venkateswarlu, former MAHO, Etcherla Mandal, Srikakulam District has filed criminal appeal No. 958 of 2014 before the Hon'ble High Court for the State of Telangana and Andhra Pradesh. The Hon'ble High Court vide reference 6th read above, in its interim orders Dt. 23.09.2014 in Crl.

(P.T.O)

AMP No. 1435 of 2014 in Crl A. No. 958 of 2014 suspended the sentence of imprisonment and granted bail to petitioner/appellant i.e., Dr. Metta Venkateswarlu, former MAHO, Etcherla Mandal, Srikakulam till disposal of the appeal on the same terms and conditions imposed by the trail court.

5. Whereas in the reference 7th read above, Dr. Metta Venkateswarlu, former MAHO, Etcherla Mandal, Srikakulam submitted representation and stated among others things that the learned trail court failed to consider that a reasonable margin of 20% of the income which should be allowed while computing the disproportionate assets as per the Judgement of Hon'ble High Court reported in 1999 (1) ALT Crl. 69 (AP.,) and Supreme Court of India Dictum laid down in AIR 1977 SC 796 and requested the Government not to dismiss him from service. While the issue is under examination, the Accused Officer while working as Deputy Director, Veterinary Polyclinic, Srikakulam had retired from service on attaining the age of superannuation on 30.06.2019.

6. In the reference 8th read above, while furnishing the representation of the AO, among others, the DG,ACB has been requested to examine the same and furnish specific remarks to the Government for further action.

7. In the reference 9th read above Dr. Metta Venkateswarlu, former MAHO, Etcherla Mandal, Srikakulam (now retired) among others requested to sanction provisional pension pending assets case in criminal appeal No. 958 of 2014 before the Hon'ble High Court filed against the Judgment of Trail court in CC. No. 30/2006, Dt. 12.09.2014. The Government have sanctioned provisional pension to Dr. Metta Venkateswarlu, former MAHO, Etcherla Mandal, Srikakulam (now retired) vide reference 10th read above.

8. In the reference 11th read above, the DG, ACB among others has reported that the 20% margin on DA is not a concession provided to the Accused Officers where the assets of the AOs are more than 20% of their income.

9. And whereas the Government have examined the matter and observed that the Hon'ble High Court in its interim orders Dt. 23.09.2014 in Crl. A.MP No. 1435 of 2014 in Crl A. No. 958 of 2014 filed by the AO against the trail court Judgment passed vide reference 5th read above, has set aside the sentence of imprisonment and granted bail to the petitioner but not passed any orders with regard to the conviction of the Accused officer in the trail court. Hence, the orders passed by the trail court on the conviction of the AO in C.C No 30/2006, Dt. 12.09.2014 still holds good. And therefore it has been decided to impose the penalty of withholding of 100 % pension & pensionary benefits and gratuity in full permanently against the AO.

10. Government after careful examination of the matter and in exercise of the powers conferred under Rule 8(2) of AP Revised Pension Rules, 1980 read with Rule 25 (1) of APCS (CC&A) Rules, 1991 hereby impose the penalty of withholding of 100 % pension & Pensionary benefits and Gratuity in full permanently under Rule 9 of APRP Rules, 1980 against Dr. Metta Venkateswarlu, former MAHO, Etcherla Mandal, Srikakulam (now retired as DD) with immediate effect.

11. The Director of Animal Husbandry, AP., Vijayawada shall take necessary immediate action in the matter, accordingly and submit compliance report to the Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. POONAM MALAKONDAIAH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

To
Dr. Metta Venkateswarlu, former MAHO, Etcherla Mandal, Srikakulam (now retired) through the Director of Animal Husbandry, AP., Vijayawada.
The Director of Animal Husbandry, AP., Vijayawada.

Copy to:
The APVC, AP Secretariat.
The DG, ACB, AP., Vijayawada.
The Account General, AP., Vijayawada.
The Director of Treasuries and Accounts., A.P., Vijayawada.
The District Treasury Officer, Srikakulam District.

Copy submitted to: The P.S to Chief Secretary, AP Secretariat.
The OSD to Hon'ble Minister(AHDD&F).
SF/SCs.

//FORWARDED:: BY ORDER//

SECTION OFFICER